



CITY OF MORGAN HILL
COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

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PLANNING COMMISSION

TUESDAY, SEPTEMBER 12, 2006

**CITY COUNCIL CHAMBERS
CIVIC CENTER
17555 PEAK AVENUE
MORGAN HILL, CA**

COMMISSIONERS

CHAIR ROBERT J. BENICH
VICE-CHAIR ROBERT L. ESCOBAR
COMMISSIONER H. GENO ACEVEDO
COMMISSIONER SUSAN KOEPP-BAKER
COMMISSIONER MIKE R. DAVENPORT
COMMISSIONER RALPH LYLE
COMMISSIONER JOSEPH H. MUELLER

REGULAR MEETING - 7:00 P.M.

***** A G E N D A *****

NOTICE TO THE PUBLIC

The following policies shall govern the conduct of the Planning Commission meetings:

- *All Planning Commission proceedings are tape-recorded.*
- *Individuals wishing to address the Planning Commission on a particular item should fill out a speaker card and present it to the Secretary. This will assist the Chairperson in hearing your comments at the appropriate time.*
- *When the Chairperson invites you to address the Commission, please state your name and address at the beginning of your remarks.*
- *Speakers will be recognized to offer presentations in the following order:*
 - *Those supporting the application*
 - *Those opposing the application*
 - *Those with general concerns or comments*
 - *Presentations are limited to 5 minutes*

**DECLARATION OF POSTING OF AGENDA IN ACCORDANCE WITH
GOVERNMENT CODE SECTION 54954.2 - SECRETARY REPORT**

OPEN PUBLIC COMMENT PERIOD (5 MINUTES)

Now is the time for presentation from the public on items **NOT** appearing on the agenda that are within the Planning Commission's jurisdiction. Should your comments require Commission action, your request will be placed on the next appropriate agenda. No Commission discussion or action may be taken until your item appears on a future agenda. You may contact the Planning Division for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your comments to five (5) minutes.

MINUTES:

July 25, 2006 - Clarify Planning Commission action taken on July 26, 2006 regarding Zoning Amendment, ZA-06-03: Restricted Commercial Residential zoning text amendment and parcel rezonings; and approve minutes.

August 8, 2006 - Approve minutes.

PUBLIC HEARINGS:

- 1) **ZONING AMENDMENT, ZA-04-05: CITY OF M.H.- ADOPTION OF HISTORIC CONTEXT STATEMENT:** The Planning Commission is requested to review and provide comments on the Historic Context Statement.

Recommendation: Continue request to the September 26, 2006 Commission meeting.

- 2) **ZONING AMENDMENT, ZA-05-15/SUBDIVISION, SD-05-15/DEVELOPMENT AGREEMENT, DA-05-10: BARRETT-SYNCON:** A request for approval of a precise development plan for a 52 unit single family development proposed on a 13.5 acre site located between San Pedro Ave. and Barrett Ave. immediately south of San Ramon Dr. Also requested is the approval of a 32-lot subdivision map and development agreement. (APNs 817-59-060 and 817-57-001)

Recommendation: Reopen Public Hearing/Approve Mitigated Negative Declaration/Adopt Resolutions with recommendation to forward to the City Council for approval of requests.

- 3) **ZONING AMENDMENT, ZA-06-09: MYRTLE-LATALA:** A request for approval of a Residential Planned Development, for a 6-lot single-family attached unit development located on an approximately 0.44 acre parcel on the south side of Myrtle Ave between Monterey Rd and Church St. (APN 817-01-022)

Recommendation: Open Public Hearing/Adopt Resolution approving request, with recommendation to forward to the City Council for approval.

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- 4) **ZONING AMENDMENT, SUBDIVISION AND DEVELOPMENT AGREEMENT, ZA-06-05/SD-05-08/DA-05-06: GINGER CUSTOM ONE:** A request for approval of a Residential Planned Development, development agreement and subdivision of an approximate 1.4 acre site for the construction of five single-family homes. The subject site is located at the southeast corner of Rose Lane and Ginger Way in a R1(7,000) Zoning District (APNs 726-36-056 & -057).

Recommendation: Open Public Hearing/Adopt Resolutions with recommendation to forward to the City Council for approval of requests.

- 5) **ZONING AMENDMENT, ZAA-05-11: CITY OF MORGAN HILL-DOWNTOWN ZONING AMENDMENTS:** A request for amendment(s) to Title 18 of the Morgan Hill Municipal Code: Adding Chapter 18.23 (Ground Floor Overlay District) to implement the Morgan Hill Downtown Plan recommendation of encouraging retail, restaurant, entertainment and related uses and rezoning certain properties generally located on Monterey Road between Main Avenue and 5th Street and on 3rd Street between Monterey Road and Depot Street (APN's 726-14-001 through -008, -010 through -014, -027 through -030, -036, and -048 through -050; 767-07-010 through -011, -029 through -031, -047 through -050, -057, -058, -064, and -066; 726-08-004, -006, -044 and -045; 726-13-017 through -021, and -037 through -044); Amending Chapter 18.24 (CC-R Central Commercial/Residential District) by reorganizing allowable use categories into Permitted Uses and Conditional Uses; and, Amending Chapter 18.54 (Conditional and Temporary Use Permits) by modifying findings required for approval of a Downtown Administrative Use Permit, establishing a three year time limit, and a process for extensions.

Recommendation: Open Public Hearing/Adopt Resolutions with recommendation to forward to the City Council for approval of request.

- 6) **ENVIRONMENTAL ASSESSMENT, EA-06-25: OJO DE AGUA REDEVELOPMENT PROJECT AMENDMENT-CITY OF MORGAN HILL:** Draft Program Environmental Impact Report (EIR) for the Ojo de Agua Redevelopment Project Amendment.

Recommendation: Open Public Hearing and comment on Draft Program EIR.

- 7) **ZONING AMENDMENT, ZA-06-13: CITY OF MORGAN HILL-TEXT AMENDMENT TO CHAPTER 18.12 TO ALLOW SECONDARY DWELLINGS AS A PERMITTED USE IN THE R-1 (7000) AND R-1 (9000) DISTRICTS AND AMENDMENT TO CHAPTER 18.18 TO INCREASE THE MAXIMUM ALLOWABLE DENSITY BONUS:** A request for amendments to Title 18 of the Morgan Hill Municipal Code: Amendment to Chapter 18.12, eliminating the conditional use requirement and allowing secondary dwelling units as a permitted use in the R-1 (7000) and R-1 (9000) districts and amending Chapter 18.18 to increase the maximum density bonus to 35 percent as provided in Chapter 18.47 of the Municipal Code.

Recommendation: Open Public Hearing/Adopt Resolution with recommendation to forward to the City Council for approval of request.

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8) DRAFT POLICY TO ESTABLISH SEPARATE DEVELOPMENT SCHEDULES FOR MONITORING OF MEASURE C PROJECTS AND AMENDING INTERIM DEADLINE DATES FOR MEASURE C PROJECTS:

Recommendation: Discussion. Staff will bring back a draft policy for approval.

TENTATIVE UPCOMING AGENDA ITEMS FOR THE SEPTEMBER 26, 2006 MEETING:

- ZA-04-05: City of M.H.-Adoption of Historic Context Statement
- ZA-06-12: City of M.H.-Text Amendment for Exceptions & Modifications Chapter 18.56
- DAA-04-08A: Tilton Glenrock
- ZAA-04-01A: Tilton-Glenrock
- GPA-05-02: Tilton-Barnick
- ZA-05-03: Tilton-Barnick
- DAA-05-05: Central-Delco
- GPA-04-02: City of M.H.-Amend Circulation Policy & LOS Policy for Unsignalized Intersections

ANNOUNCEMENTS:

CITY COUNCIL REPORTS

ADJOURNMENT

SPEAKER CARD

IN ACCORDANCE WITH GOVERNMENT CODE 54953.3, IT IS NOT A REQUIREMENT TO FILL OUT A SPEAKER CARD IN ORDER TO SPEAK TO THE PLANNING COMMISSION. HOWEVER, it is very helpful to the Commission if you would fill out the Speaker Card that is available on the counter in the Council Chambers. Please fill out the card and return it to the Deputy City Clerk. As your name is called by the Chairperson, please walk to the podium and speak directly into the microphone. Clearly state your name and address and proceed to comment upon the agenda item. Please limit your remarks to three (3) minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the Planning Commission agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or Hearing Impaired only - TDD 776-7381 to request accommodation.

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NOTICE

NOTICE IS GIVEN pursuant to Government Code Section 65009, that any challenge of any of the above agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action taken by the Planning Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.